

Notice of Allowability

Application No.

10/530,601

Examiner

Roy P. Issac

Applicant(s)

APPELDOORN ET AL.

Art Unit

1623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 04/03/2007.
2. ☒ The allowed claim(s) is/are 1-7 and 14-19 (Renumbered 1-13 respectively).
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____ | 7. <input type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

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DETAILED ACTION

This Office Action is in response to Applicant's amendment/ remarks/ response filed 04/03/2007, wherein claims 1-7 and 14-15 have been amended and claims 8-9 have been cancelled, and claims 17-19 are newly submitted.

Priority

As indicated in the previous office action, applicants' claims of priority as 371 of PCT/EP03/11457 filed 10/13/2003 and priority to European filed application, EPO 02079232.1, filed 10/11/2002 is acknowledged.

Claims 1-7 and 14-19 are currently pending and are examined on the merits herein.

Reasons for Allowance

In view of the cancellation of claims 8-9, all rejections made with respect to claims 8-9 in the previous office action are withdrawn.

Applicants' amendment deleting the recitation "any substituent comprising at least one carbon atom" in reference to R4, and "moiety bearing at least one negative charge" in reference to R2, and "any group" in reference to R3 and recitation of specific substituents in claims 1, 5 and 15 overcomes the rejection made in the previous office action of claims 1-9 and 14-16 under section 112, first paragraph.

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Applicants' amendment deleting the recitation "comprises an alkyl moiety, an aromatic moiety or a group comprising an electron withdrawing moiety" from claim 6 overcomes the rejection made in the previous office action of claim 6 under section 112, second paragraph in regards to "electron withdrawing moiety."

Applicants' amendment deleting the recitation "derivative" and "conjugate" and "or multimer" from claim 14 overcomes the rejection made in the previous office action of claim 14 under section 112, second paragraph.

Applicants' amendment deleting the recitation "any substituent comprising at least one carbon atom" in reference to R4, and "moiety bearing at least one negative charge" in reference to R2, and "any group" in reference to R3 and recitation of specific substituents in claims 1, 5 and 15 overcomes rejections under section 103(a) of claims 1-5, 8-9 and 14-16 over Wong et. al. (U.S. Patent No. 5,830,371).

Applicants' amendment deleting the recitation "any substituent comprising at least one carbon atom" in reference to R4, and "moiety bearing at least one negative charge" in reference to R2, and "any group" in reference to R3 and recitation of specific substituents in claims 1, 5 and 15 overcomes rejections under section 103(a) of claims 6-7 over Wong et. al. (U.S. Patent No. 5,830,371)

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in view of DeFrees et.al. (U.S. Patent No. 5,604,207) further in view of Wong et. al. (J. Am. Chem. Soc. 1997, 8152-8158).

The following is an examiner's statement of reasons for allowance: The claimed compounds of generic formula Ia and Ib with substituents in the R1 position and the method of treating or inhibiting a disease or condition involving activation and/or overexpression of P-selectin using said compounds and a method of determining whether a compound is capable of binding to P-selectin comprising contacting and incubating a compound to be tested and a predetermined amount of a compound of formula Ia or Ib, are novel and unobvious over the prior art to one of skill in the art.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

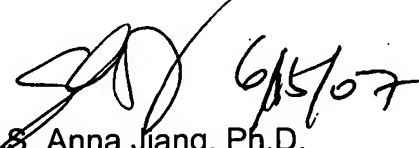
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Roy P. Issac whose telephone number is 571-272-2674. The examiner can normally be reached on 9:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Shaojia Anna Jiang can be reached on 571-272-0627. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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Art Unit 1623


S. Anna Jiang, Ph.D.
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